

# **LAMAR COUNTY DRUG AND ALCOHOL TESTING POLICY AND PROCEDURES**



**GAMBLE CHANCERY BUILDING**

**LAMAR COUNTY  
P.O. BOX 1240  
PURVIS, MS 39475  
PHONE: (601) 794-8504  
FAX (601) 794-1049**

## TABLE OF CONTENTS

INTRODUCTION .....	1
WHO IS COVERED BY THE DRUG AND ALCOHOL POLICY?.....	1
WHAT IS A SAFETY-SENSITIVE FUNCTION?.....	1
PROHIBITED CONDUCT.....	1 & 2
EFFECTS OF VIOLATIONS.....	2
DRUG AND ALCOHOL TESTING.....	2
WHAT TESTS ARE REQUIRED & WHEN ARE THEY REQUIRED?.....	2 & 3
EFFECT OF POSITIVE TEST OR REFUSAL TO BE TESTED.....	4
SAP REFERRAL AND EVALUATION.....	4
SPECIAL ALCOHOL RULE.....	4
NOTIFICATION OF TEST RESULTS TO EMPLOYEES.....	4
ACCESS TO RECORDS.....	4 & 5
EMPLOYEE INFORMATION.....	5

## **INTRODUCTION:**

This policy is intended to increase safety and to deter and detect the use of controlled substances and alcohol by Lamar County employees and/or volunteers. This policy replaces the previous Drug and Alcohol Policy and Procedures and is adopted by order of the Board of Supervisors.

This policy prohibits all use of controlled substances by county employees and/or volunteers unless prescribed by a doctor. Under no circumstances should an employee operate a county owned motor vehicle, equipment, or perform any other task while on duty if under the influence of a controlled substance even if it is prescribed by a doctor, if it impairs your ability to perform the job safely. It prohibits the use or possession of alcohol while on duty. To further this policy, the county will conduct drug and alcohol testing. This written policy outlines in detail the policy the county adopted in order to make this a safe working environment. If you have any questions about this policy or how it will affect you, contact the Director of Human Resources. For employees of the Sheriff's Department when it is in the scope of their duties the possession of controlled substances or alcohol will be allowed.

## **WHO IS COVERED BY THE DRUG AND ALCOHOL TESTING RULE?**

The drug and alcohol testing and other requirements of this policy apply to all county employees and/or volunteers that perform safety-sensitive or security-sensitive functions.

## **WHAT IS A SAFETY-SENSITIVE FUNCTION?**

Any employee and/or volunteer that is in a position in which incapacity due to drug or alcohol impairment could result in direct and significant risk or injury to the employee, volunteer, others, property, or the environment.

The following are examples of safety sensitive positions. These examples should not be construed as an exclusive list.

- Operators of motor vehicles
- Operators of light or heavy machinery
- Law Enforcement Officers
- Dispatchers
- Firefighters
- Mechanics
- Emergency Rescue Workers
- Workers using ladders & scaffolding
- Handlers of hazardous chemicals

## **PROHIBITED CONDUCT:**

Employees and/or volunteers are prohibited from using or possessing controlled substances unless prescribed by a doctor and will be subject to testing for Amphetamines, Barbiturates, Benzodiazepines, Cocaine, Marijuana, Methadone, Methaqualone, Opiates, Phencyclidine, and Propoxyphene. Under no circumstances should an employee operate a county owned motor vehicle, equipment, or perform any other task while on duty if under the influence of a controlled substance even if it is prescribed by a doctor, if it impairs your ability to perform the job safely. It is the employees responsibility to immediately inform their supervisor of any prescription

medication that may impair their ability to operate county owned vehicles or equipment. They are prohibited from consuming or possessing alcohol while on duty. They are also prohibited from refusing to consent to this policy or to an alcohol or drug test under the terms of this policy. For employees of the Sheriff's Department when it is in the scope of their duties the possession of controlled substances or alcohol will be allowed.

### **EFFECTS OF VIOLATIONS:**

Any employee and/or volunteer found in violation of this policy through a positive drug or alcohol test or other prohibited conduct will be subject to disciplinary action up to and including termination.

### **DRUG AND ALCOHOL TESTING:**

In order to detect and deter violations of this policy, the county has implemented a drug and alcohol testing program. This testing program is required by the county. Employees and/or volunteers must participate in the testing as a condition of employment for the county. The county has contracted the Work Well, and Occupational Health and Safety Program at Wesley Medical Center, which provides drug and alcohol testing services in compliance with Federal regulations for DOT testing and The Lamar County Drug Court Office for Non-DOT testing. They will test for controlled substances by using a urine specimen provided by the employee and/or volunteer. Alcohol testing utilizes a breath testing machine into which the employee and/or volunteer will blow. (Note: Alcohol testing will not be given on Non-DOT employees) This machine is similar to the "breathalyzer" machines utilized by law enforcement personnel. Controlled substances testing will include tests for Amphetamines, Barbiturates, Benzodiazepines, Cocaine, Marijuana, Methadone, Methaqualone, Opiates, Phencyclidine, and propoxyphene. In a reasonable suspicion or return to duty/follow up situation other tests may be required at the discretion of the Department Head or Supervisor. The terms "drug" and "controlled substances" are used interchangeably in this policy and refer to the substances just listed. No controlled substances test will be ruled as a verified positive until the employee's and/or volunteer's urine specimen has been tested once by a federally certified laboratory and found positive, has been tested again by the laboratory and confirmed positive and then has been reviewed by a Medical Review Officer ("MRO"). The MRO gives the employee and/or volunteer an opportunity to explain any circumstances which might indicate the test is invalid or otherwise does not represent a violation of the county policy, such as use of prescription medications pursuant to a doctor's order. Since alcohol is not an illegal substance, the county policy does not prohibit or test for responsible alcohol use by employees and/or volunteers of legal drinking age. Testing will be conducted only at times when the employee and/or volunteer is either on duty or is about to come on or off duty, and the testing levels for alcohol are designed to register positive only when an employee and/or volunteer has consumed alcohol within four hours of reporting for duty or while on duty. Possession of alcohol in Lamar County is a violation of law and could result in termination of employment. There are six different circumstances under which employees and/or volunteers will be subject to testing. However, all drug and alcohol tests will be conducted according to strict privacy protection and safety/security procedures that are required by Federal law.

## **WHAT TESTS ARE REQUIRED AND WHEN THEY ARE REQUIRED?**

**PRE-EMPLOYMENT:** The County will conduct pre-employment drug and alcohol testing for employee applicants and/or volunteer applicants and no person shall be selected until they have satisfactorily passed both an alcohol and drug screen.

**POST-ACCIDENT:** Post-accident testing for drugs and alcohol is required following an accident in which there is property damage and/or bodily injury. Post-accident testing may be required at the Department Head or Supervisor's discretion following other job related accidents. The alcohol test is to be administered within two hours following the accident. If the alcohol test is not administered within two hours, a written statement providing the reasons the test was not administered must be furnished. Drug testing must be conducted within 32 hours following the accident. Employees and/or volunteers must remain readily available for testing after an accident; however, necessary medical attention will not be delayed. Your supervisor will provide instructions to you as to how to conduct yourself after an accident in order to help comply with post-accident testing requirements. If a local law enforcement official conducts a drug and/or alcohol test after an accident in compliance with federal, state, or local law and provides the results of those tests to the county, the results of those tests will satisfy post accident testing requirements of this policy. If the test is positive, it will be a violation of this policy.

**RANDOM:** The County will conduct random testing for drugs and alcohol. Random tests will be administered on a reasonable basis throughout the calendar year. When a person is notified of selection for random testing, he/she must proceed immediately to the designated testing site. Selection for random testing will be made by Work Well using a random number generator computer program. All employees and/or volunteers are subject to selection every time, even if they have earlier been selected for a random test. All personnel selected for testing will be tested for both alcohol and drugs.

**REASONABLE SUSPICION:** The County will also conduct reasonable suspicion testing for both alcohol and drugs. A decision to conduct reasonable suspicion testing must be based on specific observations concerning the appearance, behavior, speech, or body odors of an employee and/or volunteer consistent with drug or alcohol use. The decision must be made by a Department Head/Supervisor or Division Road Manager who has received training in detecting such conduct.

The Department Head/Supervisor or Division Road Manager who makes the observation and determines that reasonable suspicion testing should be done, may not conduct the alcohol test. Like the post-accident testing for alcohol, reasonable suspicion testing for alcohol should be conducted within two hours of the determination to test. If more than two hours passes between notification and administration of the test, documentation must be provided explaining the delay. Tests that cannot be done within eight hours of the observation should not be done. A written record must be made of the observation leading to the reasonable suspicion test and it must be made within 24 hours of the observed behavior or before the results of the controlled substances test are released, whichever is earlier.

**RETURN-TO-DUTY AND FOLLOW-UP:** Return-to-duty testing is required for any employee and/or volunteer who has previously violated this policy. If an employee and/or volunteer has tested positive for drugs or alcohol the employee and/or volunteer must pass another test before returning to duty. Follow-up testing is required when an employee and/or volunteer returns to duty. The ruling calls for a minimum of six tests during the first year back in

a safety-sensitive position; however, follow-up testing can continue for up to five years. PLEASE NOTE: ANY EMPLOYEE AND/OR VOLUNTEER WHO VIOLATES THE COUNTY POLICY WILL BE SUBJECT TO DISCIPLINARY ACTION UP TO AND INCLUDING TERMINATION.

### **EFFECT OF A POSITIVE TEST OR REFUSAL TO BE TESTED:**

A positive test result for drugs or alcohol is a violation of this policy. Any refusal to submit to a test when required by this policy is also treated as a positive test result. Wherever this policy addresses a positive test, it includes a refusal to submit to testing as well as a confirmed positive test result. An employee and/or volunteer will be considered to have refused to submit to a test if: (1) he/she refuses to sign a consent form at the time the test is to begin; (2) he/she refuses to cooperate in the testing process; or (3) he/she is unable or unwilling to provide the required minimum breath and/or urine samples and there is no plausible medical explanation for the failure, as determined by the MRO (Medical Review Officer). Any employee and/or volunteer found in violation of this policy will be subject to disciplinary action up to and including termination. In addition, employees and/or volunteers will be subject to the mandatory SAP Referral and Evaluation Requirements discussed in the next section.

### **SAP REFERRAL AND EVALUATION:**

Any employee and/or volunteer who tests positive in this or any other testing program must be referred to a SAP (Substance Abuse Professional). The SAP must be a doctor, therapist, or counselor trained and qualified to evaluate and treat substance abuse, including alcohol abuse problems. Before an employee and/or volunteer can return to work in any safety-sensitive position, the employee and/or volunteer must be evaluated by the SAP to determine if rehabilitation, counseling, or other treatment is needed. If so, the employee and/or volunteer must satisfactorily complete the treatment program and must pass a return to duty drug and alcohol test. If the employee and/or volunteer returns to a safety-sensitive position, the employee and/or volunteer is subject to periodic and unannounced follow up drug and alcohol testing in addition to the particular employer's normal drug and alcohol testing program.

### **SPECIAL ALCOHOL RULE:**

To be considered a confirmed positive alcohol test, the employee's and/or volunteer's level must register .04 or greater. Any alcohol test registering less than .04 may be subject to disciplinary action up to and including termination at the county's discretion.

### **NOTIFICATION OF TEST RESULTS TO EMPLOYEES AND/OR VOLUNTEERS:**

The results of an employee's and/or volunteer's drug and alcohol test will be reported to him/her by his Department Head/Supervisor or County Division Road Manager. If the test is positive, the employee and/or volunteer will be informed which substance or substances were shown positive on the test. Employee applicants and/or volunteer applicants wishing to have the results of their drug and alcohol tests must request them in writing within 60 days of being informed of the disposition of their application for employment.

### **ACCESS TO RECORDS:**

The county will keep detailed records of its drug and alcohol testing program. However, these records are confidential and may only be released upon written consent of the employee and/or volunteer involved, by regulatory, or court order. If an employee and/or volunteer make a claim to a fact finder, such as a workers compensation claim, the county may turn over results of drug or alcohol tests that relate to the claim. Employees and/or volunteers may review or obtain copies of his or her own drug and alcohol testing records by requesting them in writing and paying the cost of the copies. An employee's and/or volunteer's Department Head/Supervisor or Division Road Manager will assist him or her, upon request, in making an appropriate request for a copy of the records.

### **EMPLOYEE AND/OR VOLUNTEER INFORMATION:**

Employees and/or volunteers should direct any questions regarding this policy to their Department Head/Supervisor, Division Road Manager, or the Director of Human Resources, the designated person in charge of the county's testing program.

**So ordered this the 24th day of January 2008.**



---

Joe Bonds, Board President

**Amended the 17<sup>th</sup> day of December 2009.**

### **ACKNOWLEDGMENT FORM**

By signing below, I acknowledge that I have received a copy of the Lamar County Drug and Alcohol Policy and Procedures and I agree to abide by all of the terms, provisions, and conditions there in. I agree to update this policy whenever provided with materials to do so.

---

**(Signature)**

**(Date)**

---

**(Print)**